

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

Wayne Horace Johnson

Date of Previous Judgment: 3/26/96
(Use Date of Last Amended Judgment if Applicable)

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Case No: 4:94CR44-5

USM No: 11173-058

Samuel Bayness Winthrop

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 235 months **is reduced to** 188 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 38

Amended Offense Level: 36

Criminal History Category: I

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Previous Guideline Range: 235 to 293 months

Amended Guideline Range: 188 to 235 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Officer prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation Officer.

Except as provided above, all provisions of the judgment dated 3/26/96 shall remain in effect.

IT IS SO ORDERED.

Order Date: December 12, 2008

Effective Date: _____
(if different from order date)



Lacy H. Thornburg
United States District Judge

